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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,662	09/19/2000	Todd M Porter	11366.00001	8053

7590 03/29/2004

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,662

Applicant(s)

PORTER, TODD M

Examiner

Dave Czekaj

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 17-24 and 26-33 is/are rejected.
- 7) ☒ Claim(s) 9, 16, 25, and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10, 11-15, 17-24, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (5953488) in view of Newman et al. (6154600), (hereinafter referred to as "Newman").

Regarding claims 1-2, 10-11, 17-18, and 26-27, Seto discloses an apparatus for recording image information in a transmitter of an information transmission apparatus (Seto: column 1, lines 7-10). This apparatus comprises "sampling at least two GOP markers in the video stream to obtain a time and memory stamp for each GOP marker, the time stamp indicating a time position, the memory stamp indicating a relative byte location for the GOP marker" (Seto: figures 7A-7D, wherein the two GOP markers are GOP numbers 1 and 2, which are also assigned material ID numbers to keep track of the corresponding GOP's throughout the various tables, the time stamp is the start time code and end time code, and the memory stamp is the track/sector number and data length data), "storing values of the time and memory stamp for each GOP marker in a GVP table" (Seto: figures 7A and 7B, wherein the GVP table is comprised of the GOP table and the time code table), and "finding a video byte location for a selected

time position by reviewing the GVP table” (Seto: figures 8B and 11-12, wherein the selected time position is entered by the user, column 27, lines 48-50, column 28, lines 17-32, wherein the table is polled to find the starting and stopping video byte location). However, this apparatus lacks synchronizing the audio and video streams and finding an audio byte location as claimed. Newman teaches that conventional non-linear editing systems are designed for expert users (Newman: column 2, lines 4-6). Newman discloses an apparatus that, through a GUI, “synchronizes audio and video streams for output at the audio and video byte locations” (Newman: column 15, lines 36-51, wherein the audio and video are synchronized at their corresponding byte locations as indicated by the audio bar) and “finds an audio byte location for the selected time position” (Newman: column 15, lines 36-51, wherein the audio bytes are found for synchronization at the corresponding time positions in the video, i.e., half length, quarter length). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Seto and add the GUI synchronization scheme taught by Newman in order to obtain an apparatus that is easy to use for all consumers.

Regarding claims 3, 12, 19, and 28, Newman discloses “simultaneously playing the video and audio stream by starting the video stream at the video byte location and starting the audio stream at the audio byte location” (Newman: figure 10, wherein it is shown that the video and audio are started at their corresponding byte locations).

Regarding claims 4, 20, and 29, Seto discloses "building a table with the stored values of the time and memory stamps associated with each marker during an initial sampling of the video stream" (Seto: figures 7A-7D, column 19, lines 10-17, wherein the time and memory stamps is the image information which are shown to be stored in a table format shown in figures 7A-7D) and "storing the table such that the table can be accessed for any subsequent synchronization" (Seto: column 24, lines 14-15, wherein the table is stored in RAM).

Regarding claims 5, 14, 21, and 30, Seto discloses "the video stream is a variable bit rate file" (Seto: figure 4C, wherein it is shown that the video is a variable bit rate file).

Regarding claims 6, 22, and 31, Newman discloses "the elementary video stream is an MPEG-2 file" (Newman: column 8, lines 9-11).

Regarding claims 7, 13, 23, and 32, note the examiners rejection for claims 1 and 6.

Regarding claims 8, 15, 24, and 33, although not disclosed, the audio stream could be a constant bit rate file (Official Notice). Doing so would have been obvious since constant bit rate files make audio production easier.

Allowable Subject Matter

3. Claims 9, 16, 25, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-5913031	06-1999	Blanchard, Simon
US-6628303	09-2003	Foreman et al.
US-6154771	11-2000	Rangan et al.
US-5652615	07-1997	Bryant et al.
US-6650826	11-2003	Hatta, Masashi
US-6449653	09-2002	Klemets et al.
US-6404978	06-2002	Abe, Keiko
US-5903264	05-1999	Moeller et al.
US-2002/0154156	10-2002	Moriwake et al.
US-6678332	01-2004	Gardere et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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